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NOV 29 2004

Director's Office
Office of Patent Publication

In re Application of :
Kaori Tai :
Application No. 09/639,163 : **DECISION ON PETITION**
Filed: August 16, 2000 :
Attorney Docket No. 32011-165642 :

This is a decision on the Petition To Withdraw Holding Of Abandonment Under 37 CFR § 1.181(a), received in the United States Patent and Trademark Office (USPTO) on February 17, 2004. The deciding official in the Office of Patent Publication became aware of the petition upon receipt of the application file and enclosed petition, from Art Unit 28M1 on November 23, 2004.

The petition is **DISMISSED**.

The application was held abandoned for applicant's failure to timely file corrected drawings as required in the Notice of Allowability mailed July 31, 2003.

Petitioner states that the "Applicant has fully responded to the Examiner's objection to the drawings in the Office Action mailed October 2001, and complied with the Examiner's request that Figures 3(A)-3(F) and Figure 4 be labeled as "Prior Art"." In support of this assertion petitioner has noted and provided the following:

- Exhibit A "proves that a properly labeled Figure 4 was received by the Patent Office on January 24, 2002"
- Exhibit B "proves that properly labeled Figure 3(A)-3(F) were received by the Patent Office on September 13, 2003".

Further, petitioner states that they learned from the undersigned that the application was abandoned because a properly labeled Figure 4 was not received.

Investigation of the file reveals that the Amendment (paper #7) received in the Office on January 24, 2002 indicates that "Copies of Figures 3A and 3F and Figure 4 are submitted herewith on separate sheets with the corrections request by the Examiner indicated in **red ink**." See page 6 The Amendment (paper #9) received on August 16, 2002 included the statement that "Copies of Figures 3a-3f and 4 are submitted herewith on separate sheets with the corrections required by the Examiner indicated in **red ink**." See page 5

Req for Reconsideration
2 MONTH REMINDER
1 MONTH REMINDER 12/29/2005
2 WEEK REMINDER 1/15/2006
3 DAY REMINDER 1/26/2006
ACTION DUE AND DATE 1/29/2006

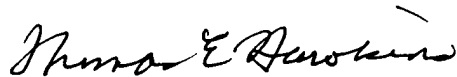
The Office action mailed April 24, 2002 (paper # 8) disapproved the proposed drawing correction filed on January 24, 2002 due to the term "Prior Art" label should be listed under each figure. The Office action mailed October 7, 2002 (paper #12) approved the drawings correction filed on August 16, 2002 and further noted that "A proper drawings correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application."

Although, the Examiner approved the drawings submitted filed on August 16, 2002, the drawing were marked-up (red ink) and not acceptable for printing. Therefore, corrected drawings were required as indicated in the Notice of Allowability.

The Office acknowledges receipt of the Submission of Formal Drawings and Formal Drawings (1 sheet for Figures 3A-3F) as evidenced by petitioner Exhibit B and by the "Office Date" stamp receipt thereon dated September 12, 2003. Unfortunately, due to the insufficiency of the reply, in that a formal drawing of Figure 4 was not submitted, the holding of abandonment will not be withdrawn as this time.

At the request of the petitioner, to consider this petition under 37 CFR § 1.182 if the petition and supporting evidence is insufficient, the application file is being forwarded to the Director Technology Center 2800 for further consideration.

Telephone inquiries concerning this decision may be directed to the undersigned at 703-305-8380.



Thomas E. Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publications